

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23788 of 2006

Dated:15.11.2006

Between:

Tulsidas Patel.

...Petitioners

and

The District Collector and others.

...Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23788 of 2006

ORDER:

The petitioner herein purchased land admeasuring Ac.0.37 guntas in Survey Nos.220 and 221 situated at Kapra Village of Keesara Mandal in Ranga Reddy District, under registered sale deed dated 19.09.1997 from one M.Ram Reddy, the predecessor in title of respondents 6 to 9 herein. The entire land in Survey Nos.220 and 221 of Kapra Village was acquired by the Government in 1996 for establishment of Nuclear Fuel Complex (NFC). NFC, however, did not utilize the entire land acquired for them and the land continued to be in possession of the joint family of Ram Reddy. It appears Ram Reddy also filed a suit, being O.S.No.58 of 2001, on the file of the Court of the Principal District Judge, Ranga Reddy District, and obtained injunction prohibiting interference with possession. He also filed an application to the Government to denotify the land having regard to the long-standing possession. Duly considering the same, the Government issued G.O.Ms.No.375, dated 07.09.2002, in favour of respondents 6 to 9. However, the petitions filed by other members of the joint family were rejected by the Government, and such rejection orders have become final before this Court as well as the Supreme Court.

The petitioner alleges that in spite of rejection of the petitions,

some of the members of the joint family tried to interfere with the petitioner's possession. He filed O.S.No.423 of 2006 on the file of the Court of the Junior Civil Judge, Medchal, Ranga Reddy District, and obtained *ad interim* injunction in I.A.No.1367 of 2006, which is still in force. The petitioner also filed O.S.No.1789 of 2005 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District, for declaration of title and perpetual injunction, which was also decreed. Therefore, the petitioner made a representation to the third respondent to bring to the notice of the Government to declare G.O.Ms.No.375, dated 07.09.2002, as redundant, and set aside the same as superfluous. The third respondent by Memo bearing No.B/728/1996, dated 03.11.2006, rejected the application of the petitioner, dated 10.10.2006. The said order as well as G.O.Ms.No.375, dated 07.09.2002, is challenged in the Writ Petition.

The learned Counsel for the petitioner, Sri E.Madan Mohan Rao, submits that the petitioner purchased land to the extent of Ac.0.37 guntas from late Ram Reddy and also obtained a declaratory decree from the civil Court, and to that extent the impugned Government Order is redundant, and if it stands to exist, the same would cause prejudice and hardship to the petitioner's rights. Learned Assistant Government Pleader for respondents 1 to 5 and learned Senior Counsel Sri K.Rama Krishna Reddy, appearing for respondents 6 to 9, submits that G.O.Ms.No.375, dated 07.09.2002, was upheld by the Division Bench by order dated 23.08.2006 in W.P.No.17191 of 2006, and therefore, this Writ Petition is not maintainable. Learned Senior Counsel further submits that pursuant to sale as well as pursuant to Court decree, the petitioner is very much in possession and enjoyment of the land to the extent of Ac.0.37 guntas in Survey Nos.220 and 221 of Kapra Village, and therefore he cannot have any grievance to file the present Writ Petition.

A perusal of the order of the Division Bench in **H.Kanakaiah v. The Government of A.P.** (W.P.No.17191 of 2006, dated 23.08.2006), would show that this Court dismissed the Writ Petition as frivolous and vexatious and imposed costs of Rs.25,000/-, and while upholding G.O.Ms.No.375, dated 07.09.2002, the Division Bench laid down as under.

Even on merits, we are satisfied that the order impugned in the writ petition does not suffer from any legal infirmity warranting interference under Article 226 of the

Constitution of India. Admittedly, the management of NFC, on whose behalf the land was acquired, has already given no objection for release of the land. This shows that the land belonging to respondent Nos.3 to 6 is not required for public purpose. In view of this, the discretion exercised by the State Government to release the land by exercising power under Section 48(1) cannot be dubbed as arbitrary.

Further in W.P.No.21678 of 2006, dated 18.10.2006 (**G.Narsaiah v. The Government of A.P.**), this Court passed an order dismissing the Writ Petition following the Division Bench judgment referred to hereinabove. Therefore, any further controversy must rest there. Repeated challenges to an Act or statutory Rules or Government Orders cannot be entertained in Writ Petition.

The Writ Petition is therefore, dismissed. No costs.

(V.V.S.RAO, J)

15.11.2006

vs